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SUBJECT: BURMA: RESPONSE TO FIFTH ANNUAL ANTI-TRAFFICKING
IN PERSONS QUESTIONNAIRE

REF: STATE 273089

1. (SBU) Summary: The following report contains Post's responses to the fifth annual anti-trafficking in persons questionnaire contained in reftel requesting information on trafficking in persons in Burma from March 2004 to March 2005. End Summary.

2. (U) Embassy point of contact on TIP is poloff Dean Tidwell, E-mail: TidwellDD@state.gov. Approximate amount of time required to prepare this report was: 1 hour by an FS-MC, 2 hours by an FS-OC, 2 hours by an FS-02, 1 hour by an FS-03, 38 hours by an FS-04 and 6 hours by an FSN-6, for a total of 50 hours.

BEGIN REPORT

OVERVIEW OF ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS:

--A. Burma is considered a &country of origin8 for international trafficked persons with Thailand and China the primary &destination8 countries. However, it is also a destination country for &internally8 trafficked persons. Trafficking of persons from rural areas to the major cities occurs and widespread forced labor still continues throughout the country.

Tachileik, Myawaddy, and Kawthoung are the key trafficking exit points from Burma to Thailand. There are several routes into China, with a key route being through Muse in northern Shan State. The Myanmar Police Force,s (MPF) Anti-Trafficking Unit has teams stationed in the border towns of Muse, Tachileik Myawaddy, Lweje, and Kawthoung. Other than an Anti-Trafficking Unit being based in Rangoon, it appears that these units are focused on border activities and not on the major cities of Burma.

There may be small numbers of persons who are trafficked through areas outside the GOB,s control, e.g. through areas controlled by the United Wa State Army and other ethnic cease-fire groups, but the primary routes are believed to be through the &gates8 that are under government control.

The Government of Burma (GOB) itself is a main information source. The Ministry of Home Affairs has a Transnational Organized Crime department and under this is a special Anti-Trafficking Unit. UN agencies in Burma, foreign missions, and NGOs also provide information on trafficking in Burma.

Women and girls of ethnic groups are considered the most vulnerable. They are mostly very poor and illiterate. Unfortunately, because Burma is a very restrictive country, it is impossible to obtain specific numbers of trafficked persons. The GOB has provided some specific figures for intercepted cases and prosecuted cases. The ILO has provided figures on forced labor prosecution cases.

The GOB,s Preventive Working Committee on Trafficking was formed in July 2002. Since then it has reported the following activities:

Total cases:	474
Offenders:	939 persons
Convictions:	485 persons
Penalties (Sentences):	
Life Sentence:	2 persons
10 years or more:	85 persons
5-10 years:	177 persons
Less than 5 years:	78 persons
Saved Victims:	2,629 persons (Females = 1,225)

According to an Australian expert in trafficking who has been working closely with the MPF,s Anti-Trafficking Unit, these figures include trafficked persons as well as smuggled persons, who are by definition not technically trafficked. He estimated that the majority of these figures represent smuggling rather than trafficking cases.

--B. The persons are who are trafficked internationally come

primarily from Shan State, Karen State, Mon State, and Tanintharyi Division. Trafficking cases to Thailand primarily pass through Tachileik Myawaddy, and Kawthoung and to China through Muse and other smaller entry points. The MPF reports almost no cases of trafficking to India and Bangladesh. (Such cases may exist, but the GOB has not rescued many victims or apprehended perpetrators in those areas.)

--C. We are not aware of any changes in the direction or extent of trafficking. As long as Burma remains poor and the economy is struggling, the pull to more economically vibrant Thailand and China, as to other countries in the region, will likely continue.

--D. UNICEF and the Department of Social Welfare plan to conduct a survey of children's issues in 12 townships in 2005. World Vision recently conducted surveys and obtained useful data that will help document the extent and nature of trafficking.

--E. The persons who are trafficked within the country are trafficked for prostitution, domestic servitude, and forced labor (by civilian authorities and by the military.) Threats, intimidation, and debt bondage are used to keep the victims compliant.

--F. Women and girls of ethnic groups are primary targets of traffickers, although there may be limited numbers of men and boys who are also trafficked. It is believed that the majority of the traffickers are minor operators and not large networks.

All of the above methods are used. Typically, the victims are poor so they can easily be lured with offers to help them get a job. Later they end up doing different jobs, especially prostitution. There are reports of girls from Shan State, following the banning of opium production, being sold by their families into prostitution as a means of survival.

In most cases, the victims do not have any kind of papers. They are smuggled across borders, often with the knowledge of border control officials who are paid to look the other way.

--G. A very High Level Team from ILO visited Rangoon February 21-23, 2005. The three-person team, headed by former governor-general of Australia, Sir Ninian Stephen, came for the express purpose of meeting with the highest levels of the GOB to assess their commitment to stop forced labor by civilian and military leaders. They were unable to meet with the highest officials in the SPDC, nor were they able to talk to defense officials, therefore they curtailed their scheduled departure for February 25 and departed two days earlier. They felt they had completed their technical talks and the unavailability of the top leaders was a strong indicator of their level of commitment to seriously address the issue of forced labor.

Yes, there seems to be reasonably strong political will in the central government to combat trafficking in persons, although the attitudes of the senior-most officials is unknown. After signing a bilateral Memorandum of Understanding (MOU) between Australia and Burma, a project called Asia Regional Cooperation to Prevent Peoples Trafficking (ARCPPT), was begun in December 2003. Funded by AusAID, it is being implemented simultaneously in Burma, Cambodia, Laos, and Thailand. An Australian law enforcement expert directs the project in Burma. The project aims to increase the capacity of the MPF to combat trafficking of persons. An encouraging outcome is that 1/3 of the agents are women, a new concept in Burmese law enforcement. In role-plays and training, the women agents clearly demonstrated to their male colleagues the effectiveness of women working with women trafficking victims. The agents now possess significantly improved investigative skills.

On the advice of ARCPPT, the Ministry of Home Affairs established a division under the MPF to combat Transnational Organized Crime. Under this department of the MPF is a special Anti-Trafficking Unit. The unit is comprised of 40 agents of whom 32 have completed extensive training through the ARCPPT program during 2004 in order to increase their capacity to combat trafficking in persons.

In January 2004, the GOB established a taskforce, composed of representatives from the Ministry of Home Affairs, the Ministry of Social Welfare, the Ministry of Labor, the Supreme Court, and the Attorney General's office to draft a Prevention of Trafficking in Persons Law. Previously, judges drew on colonial British laws to convict persons believed to be engaged in trafficking. Some of these laws included: 1861 Criminal Acts, 1947 Immigration Act, 1949 Prostitution Suppression Act, 1993 Child Law, and the 1999 Overseas Employment Act, that dealt with immigration and smuggling.

In September 2004, the UN-Inter Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) implemented a 2-day workshop to review the draft of the trafficking law. UNIAP invited national and international legal experts to participate and give their comments, recommendations, and suggestions. Representatives of UNODC and ARCPPT participated, as well as the key NGOs that are involved in trafficking matters in Burma, e.g. Save the Children (UK) and World Vision.

Following the workshop the taskforce accepted some of the recommendations, including provisions for the rights of child victims and to make the law more closely follow the principles and guidelines of the UN Commission for Human Rights and the Convention against Transnational Organized Crime and its protocols. According to the MPF, the law will ensure that the rights of trafficked victims are protected and that traffickers receive the maximum penalty. It will also allow the property of traffickers and their accomplices to be frozen.

The draft law is now with the Ministry of Home Affairs, which is taking the lead in drafting the law. The law must next be submitted to the Attorney General's office to ensure that the terminology of the law is legally correct. After the Attorney General's office has completed its work the law will be submitted to the cabinet for approval. UNIAP believes the law will be enacted sometime during 2005, although they admit that the installation of a new Home Affairs Minister in late 2004 might result in delays.

Burma was host for the Coordinated Mekong Ministerial Initiative against Trafficking in the Greater Mekong Sub-region: Senior Officials and Ministerial Meetings (COMMIT) from October 27-29, 2004 in Rangoon. The participating countries were Cambodia, China, Lao PDR, Thailand, Vietnam, and Burma. Key outputs of the conference were a COMMIT "MOU to Combat Trafficking", which was signed by all the participating countries, and the approval of a "Sub-regional Plan of Action to Combat Human Trafficking." Burma had earlier approved its own TIP Plan of Action, so the it is now in the process of revising the earlier plan to make it compatible with the new Sub-regional plan.

--H. GOB officials at lower levels reportedly sometimes facilitate or condone trafficking. Some government officials, particularly along the borders, accept bribes from traffickers. We are not aware of any punitive measures that have been taken against officials who facilitate cross-border trafficking.

In terms of internal trafficking, cases were lodged in civil courts against local authorities for using forced labor to construct roads. In a landmark decision, on January 31, 2005, four persons were found guilty by the Kawhmu Township Court of Rangoon Division of using forced labor. Each official was sentenced to 8 months in prison. (One official was charged in two separate cases, so received two, consecutive 8-month sentences.) Three other pending cases that were raised by ILO concluded on February 28, 2005 in Rakhine State. In these three cases a judge found four local authorities guilty of committing forced labor and were meted out 6-month sentences. These cases have set a precedent and could bode well for reducing future abuses of forced labor by civil authorities. The ILO feels that these convictions would not have been handed down without authorization from the highest levels of the SPDC.

However, reports of the use of forced labor by the Burmese army continue to come in. In Mon, Karen, Kayah, and southern Shan States, civilians are forced to build barracks for the army, to carry ammunition and supplies, and in some cases to act as human minesweepers. The ILO has also raised some forced labor cases in Chin State. The MPF has correctly pointed out that its officials have no control over and cannot comment on alleged forced labor or child conscription cases by the military.

--I. A lack of commitment by the top-levels of the SPDC constitutes a serious constraint on tackling trafficking in persons. This apparent lack of commitment may explain why there is also a chronic lack of GOB funds available for trafficking issues. Although an Anti-Trafficking Unit has been set up and their personnel have received training by Australian professionals, the unit comprises only 40 persons, so their ability to curb trafficking on a nationwide-basis is limited.

--J. Self-monitoring of its anti-trafficking efforts remains a weakness of the government. Once the 40 members of the new Anti-Trafficking Unit are deployed to the field, activities to prosecute, prevent, and protect victims may be more effective. Burma is cooperating both with China and Thailand to curb trafficking to those countries.

The GOB has established a Trafficking Working Group (TWG)

that meets every 6 weeks to discuss and coordinate trafficking-related matters. The TWG is multi-sectoral and includes the Supreme Court, Ministry of Home Affairs (including the MPF), Ministry of Labor, Ministry of Social Welfare, Relief and Resettlement, Ministry of Immigration and Population, Myanmar Women Affairs Federation, and Myanmar Maternal Child Welfare Association. It is an attempt to promote greater cross-ministerial cooperation and coordination.

--K. Prostitution is not legal in Burma. Prostitutes, pimps, and procurers are subject to punishment, but there is no specific law against clients. However, the laws against prostitution are unevenly enforced and may be enforced according to the whims of the police. In some of the Shan State border areas with China, there are large casinos with attached brothels. It appears that most of the casino staff and prostitutes are imported from China and other countries and most, if not all, of the clients are Chinese. The prostitutes at these establishments are reportedly subject to harassment and blackmail by police.

PREVENTION:

--A. Yes, the GOB acknowledges that trafficking of Burmese citizens to Thailand and China is a problem and they are drafting laws and upgrading their enforcement agencies to combat the problem. The MPF readily admits that there have been forced labor violations by civil authorities and now the courts are finally starting to punish the offenders. However, the MPF stated frankly that what the military does regarding forced labor or conscripting child soldiers is outside their jurisdiction.

In a grudging acknowledgment that the recruitment of child soldiers is a problem, on January 5, 2004 the SPDC formed the Committee for Prevention of Military Recruitment of Under-age Children. This committee is chaired by Secretary-1 of the SPDC and its stated purpose is to prevent the forced recruitment of under-age children as soldiers; to protect the interests of under-age children, and to ensure adherence to the orders and instructions issued for the protection of under-age children.⁸ A Plan of Action was drafted involving some participation by UNICEF.

In 2004, the GOB organized two visits by UNICEF to army recruitment centers. While UNICEF admits that these were public relations events staged by the military and the visits did not uncover any child soldiers, UNICEF feels that the importance of the visits is the fact that the military has finally agreed to open a dialogue on child soldier issues. Previously, the military would not even discuss it, claiming it did not exist.

--B. The primary GOB agency involved in anti-trafficking activities is the MPF of the Ministry of Home Affairs. Under the division of Transnational Organized Crime is a special Anti-trafficking Unit. The unit currently consists of 40 persons who have undergone intensive training to increase their capacity to monitor and enforce anti-trafficking. (See paragraphs "G" and "J8" in the previous section.)

--C. The Myanmar National Committee on Women's Affairs (MNCWA) has initiated information, education, and communication (IEC) campaigns through various media, including: training workshops, educational talks, radio broadcasts, production of pamphlets, posters, comic books, and video plays. Some of these materials have been published in ethnic languages and some attempts have been made to visit ethnic areas to educate women and girls at the grass roots.

We do not know of any GOB sponsored campaigns that target clients.⁸

ARCPPT has provided some awareness training to judges and local authorities in some states and divisions.

UNIAP has facilitated the publication of a newsletter on trafficking in persons. To date there have been three issues, the first being printed in December 2003 and the latest in August 2004. The newsletter provides interesting news and documentation on TIPS in Burma and publishes a calendar of TIPS events and activities.

The GOB says that it has conducted a total of eight TIP awareness workshops at State and Division levels and has mobile IEC teams that travel around the country. The GOB claims that nearly 700,000 persons have been educated on TIP issues.

--D. The GOB has provided skills training to help rehabilitate trafficked women who have returned to Burma from Thailand and to hopefully prevent their return to Thailand. However, the number of women who have officially returned and who have undergone training is small.

The GOB established a special Reception Center at Myawaddy in

February 2002 to receive trafficking victims who return from Thailand. According to official government figures, as of July 31, 2004, as many as 13,738 returnees had passed through this center. Of these 10,218 were male, 3,520 were female, and 331 were children. The preponderance of males compared to female returnees raises questions of whether these were really trafficking victims or smuggling cases.

--E. The GOB has not allocated significant funds to support prevention programs. The ARCPPT project, which is supported by funds from AusAID and other agencies, is designed to increase the capacity of the police to prevent trafficking and to properly investigate trafficking cases, but it is still too early to measure any significant results of this capacity building.

--F. The MPF, through its Anti-trafficking Unit, and the MNCWA, are the key GOB agencies working to eliminate trafficking.

The MNCWA is chaired by the Deputy Minister of Home Affairs and collaborates with both the Ministry of Home Affairs and the Ministry of Social Welfare, Relief and Resettlement. It focuses its efforts on prevention, prosecution, and rehabilitation of trafficking victims and tries to support the victims through research, capacity building, awareness raising, and networking. MNCWA networks with government ministries, UN agencies, and NGOs.

There are several committees formed by MNCWA that deal with trafficking issues. Two of these committees are the Preventative Working Committee for Trafficking in Persons (PWCTIP), formed in 2002, and the Control Committee for Illegal Migrant Workers, formed in July 2004. The Myanmar Women's Affairs Federation (MWAFF) was established as a GONGO in December 2003 with a major objective to reduce cases of trafficking in women and children. The MNCWA uses the MWAFF as an implementing partner in combating trafficking. (The MWAFF is considered the turf of the wives of the leading generals. After the purge of Prime Minister General Khin Nyunt in October 2004, other generals, wives replaced the ladies on this committee and the group has continued.) Both of these government agencies are involved in the UN Inter-agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), which includes the countries of Cambodia, China, Laos, Burma, Thailand, and Vietnam. These governments, UN agencies, and local and international NGOs are working together to combat trafficking. In Burma, other UN agencies that are involved are UNICEF (Child Protection) and UNDP/FAO (Food Security). UNICEF conducted a workshop on Monitoring and Combating Commercial Sexual Exploitation of Children and Trafficking in Rangoon on May 18-19, 2004.

In Myanmar, UNIAP is housed in the UNICEF office. It receives financial support from a variety of donors, including the UN Foundation, AusAID, the Netherlands, SIDA, the United States, New Zealand, UNDP, and ADB.

From 2004-2006 UNIAP's goals are to 1) build a knowledge base, 2) strategic analysis and priority setting, 3) target interventions and research, and 4) advocacy.

Key UNIAP activities for this same period will include: 1) establish a reference center of human trafficking, 2) produce a trafficking newsletter on a regular basis, 3) update mapping of anti-trafficking projects in Myanmar, 4) identify areas for research, 5) capacity building of local NGOs and strengthening networks, 6) training on gender, trafficking, and other related issues, 7) provide secretariat services to the Informal Working Group on trafficking, 8) support innovative public awareness, and 9) facilitate bilateral and multi-lateral cooperation among participating countries.

Key NGOs partners in Burma include Save the Children (UK), World Vision, and others who are promoting increased surveillance, awareness, and prevention of trafficking in persons.

--G. The GOB's monitoring of its borders for trafficking is very inadequate. The border areas are very remote and poorly patrolled. Guards and other agents posted to border crossings are preoccupied with controlling trade and maintaining security and have little time for tracking trafficking issues. This situation may improve once the Anti-trafficking Unit is able to deploy its staff to key border points and is able to conduct awareness raising training among border control personnel.

--H. Yes, the Trafficking Working Group was mentioned under paragraph 8 in the previous section. The Anti-Trafficking Unit is under the MPF's division of Transnational Organized Crime, which deals with a variety of issues besides trafficking, including money laundering, drug smuggling, etc.

Although corruption is illegal, we are not aware of a public corruption task force that monitors corruption in

general. Corruption is rampant in Burma from low-level government employees up through top military officers, and their families, who control much of the business activity. However, corruption is tolerated as a fact in Burma, and senior officials appear to be immune from corruption charges, as long as they do not run afoul of their military cronies. Otherwise, the SPDC cracks down on corruption whenever they wish to expose a colleague or try to shut down a politician or political organization of which they disapprove.

--I. Yes, the GOB actively participates in multinational working groups on trafficking. Reference has already been made to their participation in UNIAP. In addition, Burma hosted a meeting in Rangoon of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) on October 27-29, 2004. This meeting included the Greater Mekong Sub-region countries of Burma, Cambodia, China, Laos, Thailand, and Vietnam.

--J. Yes, the GOB has a national plan of action. However, following the COMMIT conference when six countries agreed to a joint plan of action, Burma has been revising its plan of action to bring it into line with the regional plan. Once the revised plan of action has been approved it will disseminate it to the relevant government ministries, civil authorities, and judicial system. We are not aware of any NGO participation in the revision of the Plan of Action. UNICEF believes that the plan of action may have been shown to an international expert who participated in the workshop to study the draft TIP law.

--K. The Ministry of Home Affairs is the lead agency in trafficking issues. The MPF's Department of Transnational Crime, through its Anti-Trafficking Unit, is the focal point for enforcement. Other ministries, including the Ministry of Labor and the Ministry of Social Welfare, are also involved.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

--A. See paragraph 8 in the first section for a summary of progress on drafting the "Prevention of Trafficking in Persons Law."

In the absence of a specific anti-trafficking law, traffickers have been prosecuted under laws dealing with immigration and smuggling. The Australian law enforcement expert who has been managing the ARCPPT project and who has worked on the draft law states that it is probably the best anti-trafficking law of the four countries (Burma, Cambodia, Laos, and Thailand) where the project is being implemented. However, he admits that the overall legal system in Burma has many gaps, so while the law may be good, its legal foundation is not solid, thus enforcement will be problematic.

On April 28, 2004, the GOB enacted the Mutual Assistance in Criminal Matters Law. This is potentially an important law for interstate cooperation in fighting transnational organized crime, including trafficking in persons, although it has not yet been tested. The GOB issued the regulations for this law on October 14, 2004.

--B. According to the GOB, the penalties for trafficking in persons range from 3 years to life in prison. Recent sentences for offenders of forced labor have ranged between 6-8 months.

--C. The penalty for rape ranges from 10 years to life in prison. The minimum penalty for trafficking appears to be less than for rape, but the maximum penalty is the same.

--D. As noted in paragraph 8 of the first section, in January a local court actually sentenced four local authorities to eight months in jail for using forced labor on a road-building project. This was a first for Burma and sets a precedent for future cases that may be lodged in court. In a follow-up decision a month later four additional local authorities were sentenced to six months in prison for using forced labor. The ILO believes that this landmark decision may embolden other victims of forced labor to take their local authorities to court. We understand that the convicted persons have started serving their sentences.

--E. We do not have any specific information about who exactly is behind the trafficking. The MPF says that most of the traffickers are minor operators. According to UNIAP, they frequently are, or use, women to gain the confidence of the victims, who are usually girls or women. We do not have any specific information that front agencies are posing as legitimate businesses for the purpose of trafficking. GOB officials are involved, particularly with regard to internal forced labor, but they may also be involved by accepting bribes to see cross-border trafficking activities taking place.

--F. Yes, the GOB does actively investigate cases of trafficking and through recent training by ARCPPT, their investigative skills are improving. However, the vast

numbers of trafficking cases that the government claims to have investigated are actually migrant smuggling cases.

We believe that the police are not hampered with regulations that specifically prevent the use of certain techniques for investigating suspected cases.

--G. The valuable role of the ARCPPT project in training the MPF's Anti-Trafficking Unit has already been mentioned. This training specifically addresses recognition and investigation of TIP cases. As for prosecution, a few judges have participated in awareness training of TIP issues and ARCPPT plans to focus more on training judges and local authorities in its future activities.

--H. Burma has been establishing links with China and Thailand to cooperate in investigations of transnational crime. Burma and China already have cases where they turned over drug trafficking suspects to the other country and similar cooperation is planned for trafficking in persons. Bilateral cooperation has resulted in the arrest of 33 drug dealers in China last year, according to Chinese sources. Burma and China have already established three border liaison offices for countering drug trafficking. This bodes well for future cooperation on cross-border trafficking in persons. We do not have any quantifiable data on cooperative international investigations on trafficking in persons.

Burma is also a partner of the COMMIT MOU that was signed by Burma, Cambodia, China, Laos, Thailand, and Vietnam. Burma has expressed a written commitment to work with these countries to prevent trafficking in persons and to prosecute criminals who engage in trafficking.

--I. Where suspects have been deported to another country the GOB is handing over citizens of the receiving country, not Burmese nationals. This normally takes place through police to police actions and not through any legal extradition process.

--J. Yes, there is clear evidence of local government authorities being involved in using citizens for forced labor. The recent court convictions of eight local government leaders in forced labor cases provide ample evidence.

--K. Officially, the GOB tells its officials not to use forced labor. At the same time these same officials receive orders to carry out public works projects, although they do not always receive a budget to complete the project. Thus, the officials are tempted to utilize forced labor to carry out the directives. However, in January and February 2005 eight local officials were found guilty of using forced labor in public works projects. Four of them received 6-month sentences. Three received 8-month sentences and one received a 16-month sentence (two consecutive, 8-month sentences).

--L. Burma has not been specifically identified as having a child sex tourism problem. We are aware of a German citizen who was arrested, tried, and imprisoned in Burma for pedophilia.

--M. Burma is not yet a party to ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

Burma signed ILO Convention 29 in on the March 4, 1955. However, to bring domestic legislation in line with this convention, Burma has taken additional legislative, executive, and administrative measures and has issued two legislative orders; Order No. 1/99 and Supplementary Notification to Order No. 1/99. These orders were printed in Burmese and English and were also translated into major ethnic languages and distributed. An implementation committee for ILO Convention 29 was formed in March 2001. This committee is headed by Deputy Minister for Home Affairs and comprises 33 members.⁸

On January 18, 2005 (just prior to the sentencing of four local officials for forced labor abuses) the Ministry of Labor issued a directive to thoroughly investigate complaints of forced labor, and if found to be true, to take necessary legal action.

Burma has not signed ILO Convention 105 on forced or compulsory labor. (The only other ILO convention that Burma has signed is Convention 87.)

The GOB Burma signed the Convention of the Rights of the Child (CRC) on July 16, 1991 and enacted its own Child Law on July 14, 1993. However, Burma has not signed the Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography. Both UNIAP and UNICEF have informed us that this optional protocol is under consideration by the GOB.

Burma acceded to the Convention against Transnational Organized Crime on March 30, 2004, as well as its protocols to prevent, suppress, and punish trafficking in persons, and to combat smuggling of migrants.

PROTECTION AND ASSISTANCE TO VICTIMS:

--A. This does not apply to Burma, since it is not considered a major destination country⁸ for internationally trafficked persons.

The GOB established a Reception Center for returnees at Myawaddy border post in February 2002, as an inter-ministerial project. During 2004 the center received 5,274 returnees and has received a total of 15,831 persons since its establishment. To date the GOB has spent a total of 19,200,000 Kyat (USD 21,333) for living, health care, food, etc. at the Myawaddy Reception Center.

--B. The GOB is supportive of the work of World Vision and Save the Children (UK) in the area of trafficking of persons. The GOB does not provide funding to these NGOs, but it facilitates their work and uses their services for trafficked persons. According to government figures, since 2001 there have been 283 trafficking victims who were repatriated to their families. These victims were supported and rehabilitated by Save the Children (142), World Vision (115), and UNIAP (26).

--C. Since Burma is not considered a major destination country⁸ this is not an issue.

--D. World Vision, Save the Children (UK), IOM, and other agencies who are involved in repatriation of trafficking victims have taken efforts to ensure that the GOB does not arrest the victims when they return to Burma. Also, we are not aware of any arrests of returnees who have arrived at the Myawaddy Reception Center.

--E. Now that the Anti-Trafficking Unit has received training in investigative procedures, they are more aware of victims, rights and their ability to help law enforcement fight the crime.

Yes, as the recent cases that resulted in sentences against eight perpetrators of forced labor show, victims can file civil suits and might receive justice.

In the past victims of forced labor were sometimes pressured to withdraw their cases, but with the recent successful prosecution of forced labor violators, the ILO expects that there will be more cases filed and probably less pressure put on victims to remain silent.

--F. Short of placing the victims and witnesses in jail for their protective custody, not very much protection is afforded by the government. As far as we know, the Myawaddy Reception Center is the only such facility currently in existence. According to the GOB, it spent \$21,333 for the Myawaddy center during the past three years. This probably does not include the initial cost of establishing the center.

--G. Other than the training that has been done by ARCPPT, UNIAP, and MNCWA and its affiliates, we do not know of any other GOB sponsored training inside or outside the country.

--H. See paragraphs A8 and F8 of this section.

--I. World Vision and Save the Children (UK) are two international NGOs that have active programs for trafficking victims in Burma. World Vision initiated projects related to trafficking in persons about four years ago. Their emphasis is primarily on prevention through awareness raising. They try to identify and target vulnerable families who have daughters who might be susceptible to being trafficked. Then they work with these families to make them aware of the dangers of trafficking and provide micro-credit loans or other assistance to help to stabilize the families. World Vision also implements general community awareness programs and focuses on the rights and dignity of people and makes people aware of exploitative situations. Sometimes returning traffic victims are used as peer alert raisers⁸ to help others avoid the pitfalls of being trafficked.

World Vision works with trafficked persons who come back from Thailand so that they are not arrested and gives them counseling, life skill training, and helps them to be reunited with their families. They or their families often receive loans or other assistance to help them in their life in Burma. World Vision says about 60 percent of the returnees it assists settle down and do not return to Thailand. World Vision works in six key border points located between Tachileik and Kawthoung. Save the Children (UK) operates a similar program in Burma. UNIAP has also helped to rehabilitate a limited number of trafficked

victims. IOM has facilitated the repatriation of trafficked victims to Burma.

END OF REPORT.
Martinez